

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROY GAINES,

Plaintiff,

-against-

ARMOR HEALTH CARE, INC., NASSAU
COUNTY JAIL, MEDICAL STAFF NASSAU
COUNTY JAIL,

Defendants.

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ROY GAINES,

Plaintiff,

-against-

ARMOR HEALTH CARE, INC.,

Defendant.

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APPEARANCES

For Plaintiff: Roy Gaines, pro se
12R2768
Gowanda Correctional Facility
P.O. Box 311
Gowanda, NY 14070

For Defendant
Armor Health Care,
Inc.:

John J. Doody, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
199 Water Street, 25th Floor
New York, NY 10038

Suzanne Emily Aribakan, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
77 Water Street, Suite 2100
New York, NY 10005

ORDER
12-CV-4667 (JS) (ETB)

12-CV-5663 (JS) (ETB)

SEYBERT, District Judge:

On January 23, 2013, the Court issued an Order to Show Cause directing Plaintiff to show cause in writing no later than February 15, 2013 why this action should not be consolidated with his other open case, Docket Number 12-CV-5663. To date, the Court has not received a response.

The Court has reviewed the dockets, and the complaints involve the same general defendants and all claims arise out of the same general set of facts. Thus, the Court finds that consolidation is warranted to avoid the duplicative and unnecessary use of judicial resources. See FED. R. CIV. P. 42(a). As such, the Court ORDERS that Gaines v. Armor Health Care, Inc., et al., No. 12-CV-4667 and Gaines v. Armor Health Care, Inc., No. 12-CV-5663 be consolidated. As the later-filed case contains a pending motion, and due to Magistrate Judge E. Thomas Boyle's stay of discovery in the earlier-filed case, all future filings are to be docketed in case number 12-CV-5663. If, in light of consolidation, Defendant Armor Health Care, Inc. wishes to amend the motion to dismiss, it must do so within forty-five (45) days of the date of this Order.

The Clerk of the Court is directed to consolidate these matters, mark case number 12-CV-4667 closed, and mail a copy of this Order to pro se Plaintiff. The Clerk of the Court is further directed to forward to the United States Marshal for

the Eastern District of New York copies of Plaintiff's Summons and Amended Complaint originally filed in 12-CV-4667, docketed as Docket Entry 10, for service upon the Defendants.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: May 1, 2013
Central Islip, NY